

IN RE: PETITION FOR ZONING VARIANCE
2411 Velvet Ridge Drive, 650' +/- S of c/o Backway Road
3rd Election District
3rd Councilmanic District
Edward Lee Perl, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-503-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a principal building setback of 27 feet in lieu of the required minimum 50 feet for a proposed garage addition, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2411 Velvet Ridge Drive, consists of 1.0 acres +/- zoned R.C.5 and is improved with a single family dwelling and attached garage.

The Petitioners propose converting the existing garage into a study and adding the proposed garage for continued storage and protection of the family vehicles and personal property. Dr. Perl testified that both he and his wife are in need of a quiet place to work. He also indicated that in view of the fact his medical practice requires him to be on 24 hour emergency call, the enclosed garage is a necessity.

Dr. Perl further testified that he has spoken with adjoining neighbors on the affected side who indicated no objections to the proposed addition.

Testimony presented by the petitioners indicated the proposed location is the only practical choice due to the location of the current garage and overall layout of their property. The Petitioners contend that

the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of June, 1989 that the request for a variance to permit a principal building setback of 27 feet in lieu of the required minimum 50 feet for a proposed garage addition, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the proposed garage to become converted to a second dwelling unit and/or apartment. The garage

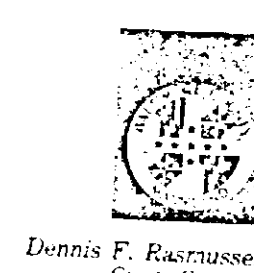
addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
2411 Velvet Ridge Drive
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 21, 1989



Dr. and Mrs. Edward Lee Perl
2411 Velvet Ridge Drive
Owings Mills, Maryland 21117

RE: Petition for Zoning Variance
Case No. 89-503-A

Dear Dr. and Mrs. Perl:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmn
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE 414
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-503-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 304.3.B.3 To allow a principal building setback of 27 ft. in lieu of the required minimum 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Need Bedroom for planned 4th child.
2. Well and many large trees in front of house; and septic system, steep grade, and deck in back.
3. Both Susan and Edward have need for combined study with the only available and practical space being the conversion of the existing garage.
4. 24 hour emergency on-call makes a garage a necessity.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Edward Lee Perl, M.D.
(Type or Print Name)
Signature Signature
Susan Weiner Perl
(Type or Print Name)
Address
City and State
Signature

Attorney for Petitioner: 2411 Velvet Ridge Drive 795-7300 day
(Type or Print Name) Address 353-3242 eveni
Owings Mills, Maryland Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Edward Lee Perl, M.D.
Name 795-7300 day
Address 353-3242 evening
Attorney's Telephone No.: 2411 Velvet Ridge Dr. 795-7300 day
Address Phone No.

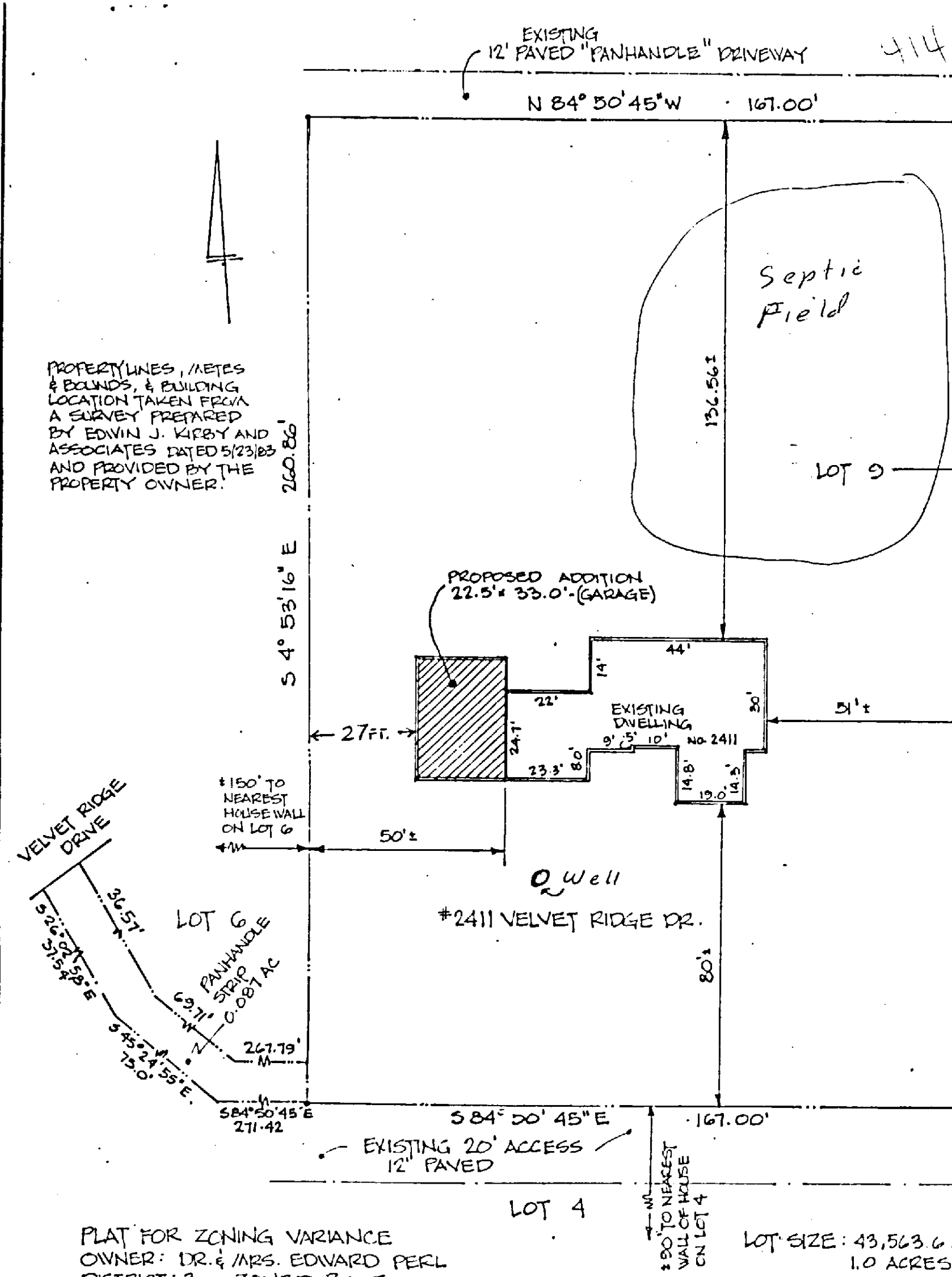
ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 9th day of June, 1989, at 2 o'clock P.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

(over)

DEVELOPING AT A POINT ON THE EAST SIDE OF VELVET RIDGE DRIVE, AS SHOWN ON THE FINAL DEVELOPMENT PLAN OF HERBERT WOODS, AND KNOWN AS THE WEINSTEIN PROPERTY ON SAID FINAL DEVELOPMENT PLAN ALSO KNOWN AS 2411 VELVET RIDGE DRIVE, AND LOCATED 650 FT. S. OF THE C/O OF BACKWAY RD. IN THE 3RD ED.
(NOTE THIS PROPERTY IS SHOWN ON BUT NOT PART OF THE PRESENTED FINAL DEVELOPMENT PLAN)

I TAKE FULL RESPONSIBILITY FOR THE INFORMATION AND ACCURACY OF THIS ZONING DESCRIPTION.
Edward Lee Perl, M.D. 5/22/89

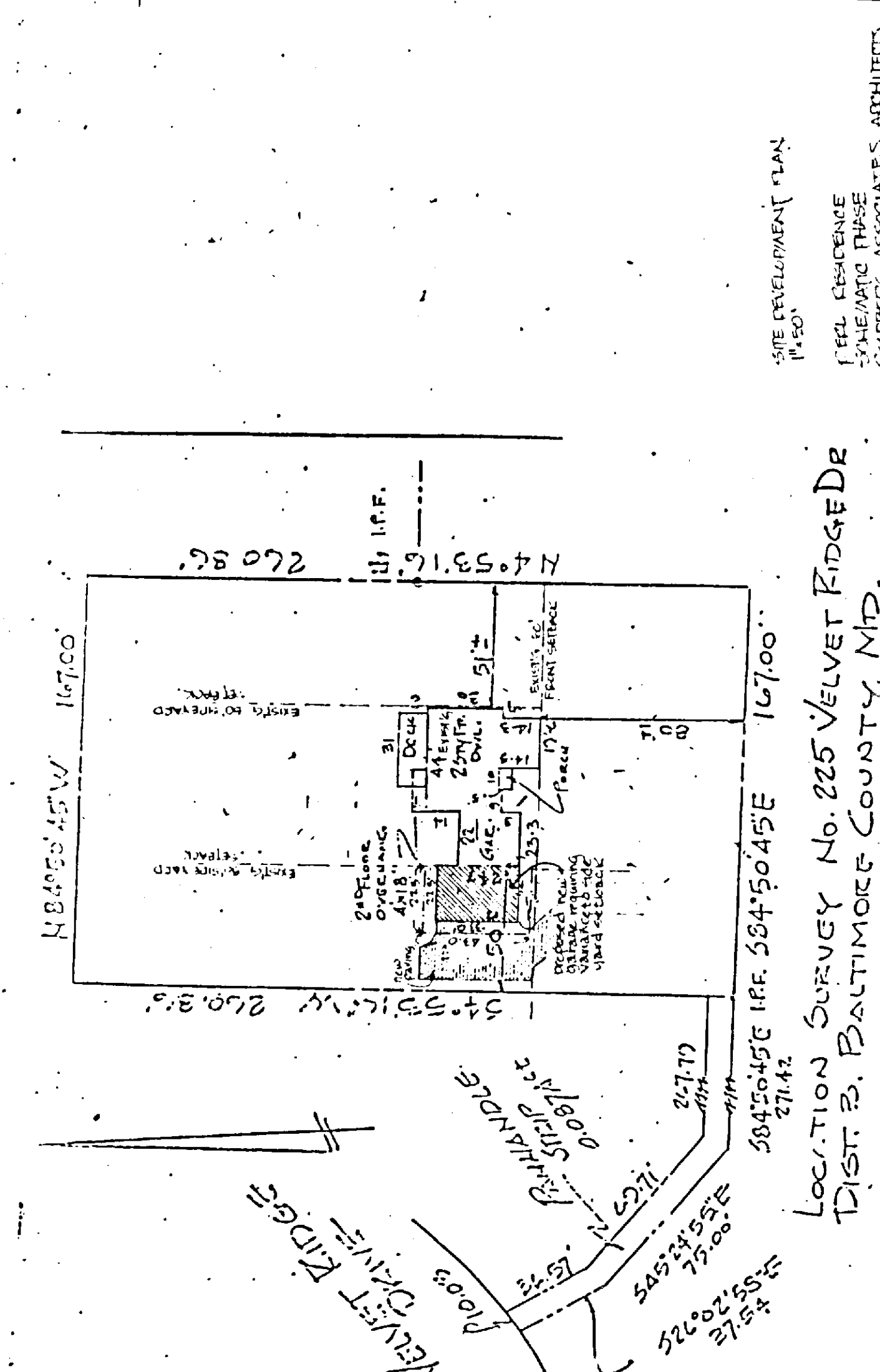


PLAT FOR ZONING VARIANCE
OWNER: DR. & MRS. EDWARD PERL
DISTRICT: 3 - ZONED RC-5
SUBDIVISION: DEED REF 6543/050

PRIVATE WATER & SEWER
SCALE 1"=30'

GOLDBERG ASSOCIATES
ARCHITECTS & PLANNERS
4 WORTHINGTON RIDGE CT.
REISTERSTOWN, MD 21136
PROJECT NO. 0489 3/28/89

PETITIONER'S
EXHIBIT 1



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: May 18, 1989
 Posted for: Mrs. Edward Lee Perl
 Petitioner: Edward Lee Perl, et ux
 Location of property: 2411 Velvet Ridge Drive, 3rd Election District - 3rd Councilmanic
 Location of Sign: On front of 2411 Velvet Ridge Drive
 Remarks: _____
 Posted by: J. Robert Haines Date of return: May 22, 1989
 Number of Signs: _____

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Edward Lee Perl
2411 Velvet Ridge Drive
Dulles Mills, Maryland 21117
 Re: Petition for Zoning Variance
 CASE NUMBER: 89-503-A
 E/S Velvet Ridge Drive, 650 ft. x 5 of c/l Buckway Road
 2411 Velvet Ridge Drive
 3rd Election District - 3rd Councilmanic
 Petitioner(s): Edward Lee Perl, et ux
 HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:00 P.M.

Dear Mr. & Mrs. Perl:
 Please be advised that \$86.12 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. _____
 DATE: 6/18/89 ACCOUNT: 89-503-A
 AMOUNT: \$ 86.12
 RECEIVED FROM: Edward Lee Perl, et ux
 FOR: Posting & Advertising for 3rd Councilmanic
 VALIDATION OR SIGNATURE OF CASHIER: _____
 FILE: _____

Maryland and bring office, County Office 3) min as before

4 post set(s), there each set not

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

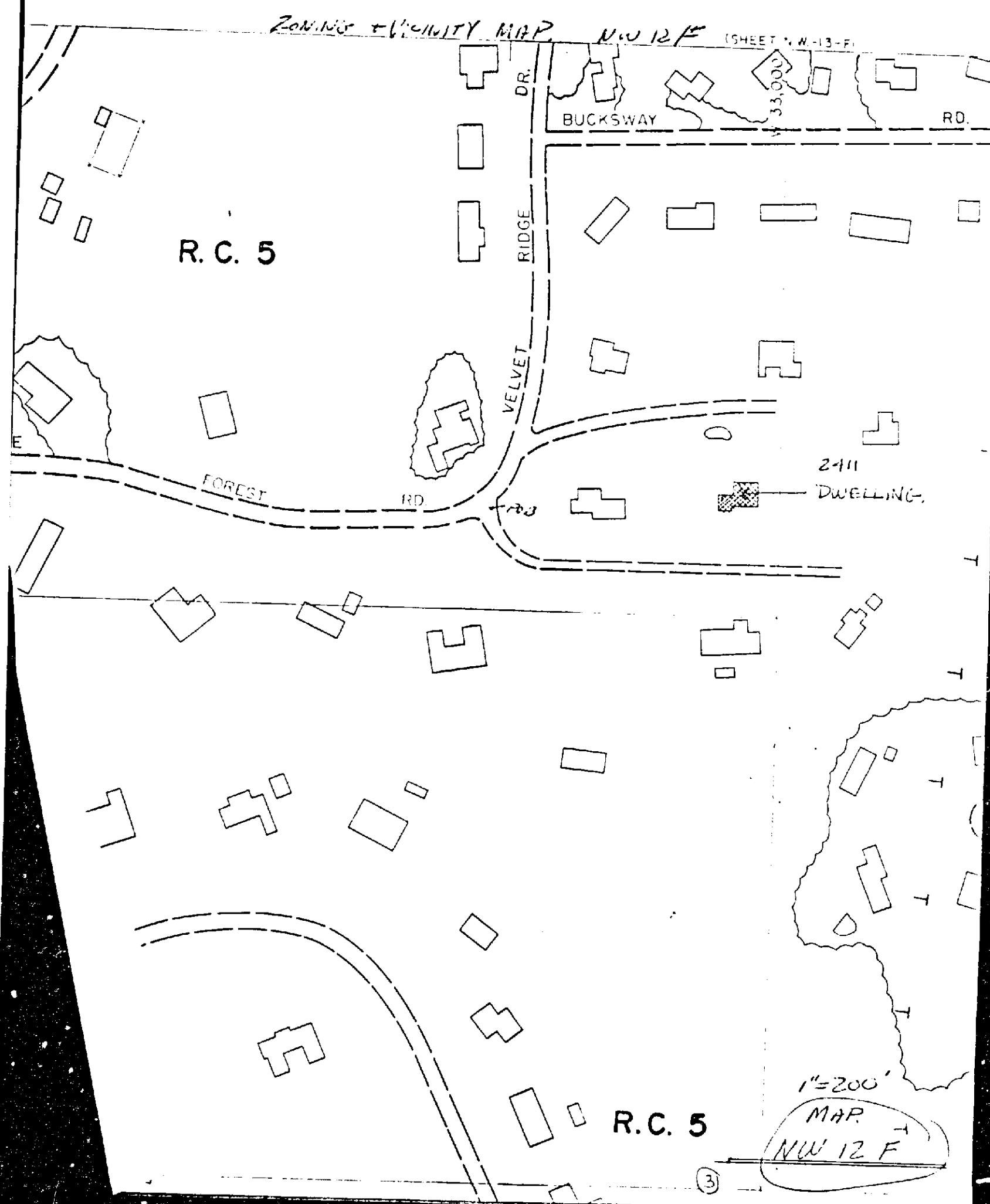
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
 CASE NUMBER: 89-503-A
 E/S Velvet Ridge Drive, 650 ft. x 5 of c/l Buckway Road
 2411 Velvet Ridge Drive
 3rd Election District - 3rd Councilmanic
 Petitioner(s): Edward Lee Perl, et ux
 HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:00 P.M.

Variance to allow a principal building setback of 27 ft. in lieu of the required minimum 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Mr. & Mrs. Perl
File



CERTIFICATE OF PUBLICATION

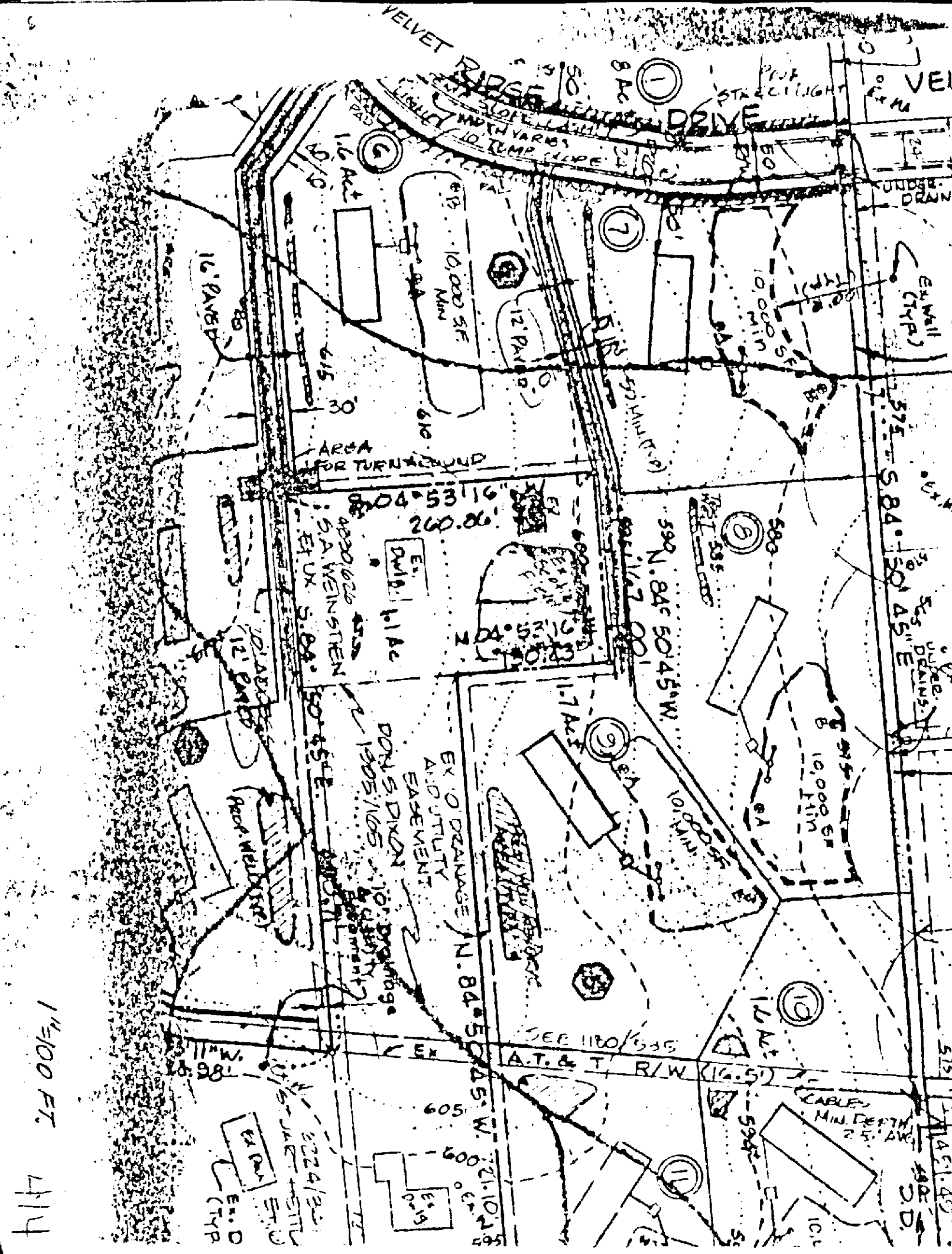
TOWSON, MD. May 22, 1989
 THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 18, 1989.

THE JEFFERSONIAN
OWINGS MILLS TIMES.

S. Zebe Orlow
Publisher

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
 Petition for Zoning Variance
 CASE NUMBER: 89-503-A
 E/S Velvet Ridge Drive, 650 ft. x 5 of c/l Buckway Road
 2411 Velvet Ridge Drive
 3rd Election District - 3rd Councilmanic
 Petitioner(s): Edward Lee Perl, et ux
 HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:00 P.M.

PO12521
 ny 1 28985
 28 89-503-A
 price \$71.12



89-503-A
 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of April, 1989.

J. Robert Haines
ZONING COMMISSIONER
 Petitioner: Edward L. Perl, et ux Received by: James E. Dyer
 Attorney: _____ Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 31, 1989

Mr. & Mrs. Edward L. Perl
 2411 Velvet Ridge Drive
 Owings Mills, MD 21117

RE: Item No. 414, Case No. 89-503-A
 Petitioner: Edward L. Perl, et ux
 Petition for Zoning Variance

Dear Mr. & Mrs. Perl:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
 Enclosures

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
 PROTECTION AND RESOURCE MANAGEMENT

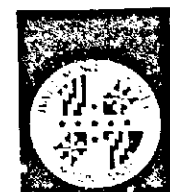
Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204
 Zoning Item # 414, Zoning Advisory Committee Meeting of April 4, 1989
 Property Owner: Edward Lee Perl, et ux
 Location: 2411 Velvet Ridge Drive
 Water Supply: private Sewage Disposal: private
 COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallon or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, hot tubs, saunas, whirlpools, hot tubs, water and sewerage facilities or other apparatuses pertaining to health, safety and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-3500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test _____ shall be valid until _____.
- () is not acceptable and must be retested. This must be accomplished prior to occupancy of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others: A minimum distance of 20 ft. is required between water well and proposed utility unless a variance to siting requirements are granted by this office. Contact Mr. Conrad at 887-3391 between 9:00 am and 4:00 pm for further information regarding siting requirements.

Baltimore County
Fire Department
Towson, Maryland 21204-2580
(410) 386-4500

Paul H. Reimke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Edward Lee Perl, et ux

Location: E/S Velvet Ridge Dr., 650' S of centerline of Backway Rd

Item No.: 414

Zoning Agenda: 4/11/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 416.

Comments are attached for Items 405 and 411.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.

MAY 2 - 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 18, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-503-A
Item No. 414

Re: Edward L. Perl, et ux

The Petitioners request a variance to permit a building setback of 27 feet in lieu of the required 50 feet. In reference to this request, staff offers no comment.

A-6789.txt EX.3

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-5333

J. Robert Haines
Zoning Commissioner

July 7, 1989



Dennis F. Rasmussen
County Executive

Edward Perl
2411 Velvet Ridge Drive
Owings Mills, MD 21117

RE: Well Distance Revision Approval
Zoning Case #89-503-A
2411 Velvet Ridge Drive

Dear Mr. Perl:

This letter references the on-going correspondence in your letter of June 14th, requesting approval of a well location as shown on your revised site plan and differing from the site plan location in Zoning Case #89-503-A and a reply from Mr. Gerard Zitnick, Jr., Supervisor-On-Site Systems Design Section DEPRM (copy enclosed) granting approval of the revised location subject to the limitations defined in your letter.

The revised well location does not represent a material change from the original hearing plan as determined by the Baltimore County Zoning Regulations and, therefore, this office has no reason not to authorize the new well location.

Should you require further assistance in this matter, please feel free to contact Mr. John Lewis, of this office, at 887-3391.

Very truly yours,

[Signature]
J. Robert Haines
Zoning Commissioner

JLL:scj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. John Lewis

TO: Office of Planning and Zoning

Date: June 29, 1989

Gerard A. Zitnick, Jr., Supervisor - On-site
FROM: Systems Design Section DEPRM

SUBJECT: PERL PROPERTY, E.D. 3
2411 Velvet Ridge Dr.

As per our recent telephone conversation, after reviewing the June 14, 1989 letter from Goldberg Associates, this office is willing to allow a variance to the State Well Construction Regulations and permit the garage addition on the subject property. It is our understanding that the existing well will be 15 feet instead of the required 30 feet from the addition.

If you have any further questions, do not hesitate to call me.

kl

MARTIN GOLDBERG, A.I.A.

GOLDBERG
ASSOCIATES

ARCHITECTS AND PLANNERS

June 14, 1989

Re: Item No. 414, Case No. 89-503-A
Variance for well distance
Perl Residence
2411 Velvet Ridge Dr.
Owings Mills, MD 21117

Zoning Plans Advisory Committee
111 W. Chesapeake Ave.
Towson, Maryland 21204

Attention: James Dyer

Dear Mr. Dyer,

Regarding the above referenced case number, we are designing an addition to the residence and request a variance to the required well distance of thirty feet to fifteen feet which is the distance of the existing well to the new garage construction.

The new garage addition will be coplanar with the existing front wall of the house and will be constructed without chemical termite treatment and will have metal termite shields between it's wood sill plates and masonry foundation walls. All new wall construction from foundation bearing to roof bearing will be of pressure treated lumber.

Yours truly,

[Signature]
Martin Goldberg A.I.A.
Architect

OWNERS' STATEMENT

I, Edward Perl, Owner of 2411 Velvet Ridge Drive accept responsibility for any potential well contamination resulting from construction of my proposed addition.

Signed

[Signature]

Date: 6/18/89

Attachment: site plan revised 6/14/89

cc Mr. Gerard Zitnick
Department of Environmental Protection Resource Management

MR. PERL
775-7200 3A9-2700 263 X10

4 WORTHINGTON RIDGE COURT REISTERSTOWN, MARYLAND 21136 (301) 833-4080